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FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

PROVISIONAL SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 September 1990, at 6.30 p.m.

President: Mr. de RIVERO (Peru)

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CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE

(b) REPORT OF THE CREDENTIALS COMMITTEE (NPT/CONF.IV/CC.1 and Corr.1)

Mr. GROOP (Finland) introduced the report of the Credentials Committee (NPT/CONF.IV/CC.1 and Corr.1) on behalf of the members of the Committee. The Committee had held two meetings and, at its second meeting, had examined and accepted the credentials of the representatives of all participating States parties on the understanding that those States that had not yet submitted formal credentials should communicate them to the Secretary-General of the Conference as soon as possible. He was pleased to say that, since the publication of the report, credentials in due form had been received from Italy and the Philippines.

The PRESIDENT said that if he heard no objection, he would take it that the Conference wished to adopt the report of the Credentials Committee.

It was so decided.

REPORT OF THE DRAFTING COMMITTEE

The PRESIDENT said that the Chairman of the Drafting Committee had just informed him that intensive consultations were still in progress on certain aspects of the Conference's work. He therefore suggested that the meeting should be suspended until the work of the Drafting Committee had concluded.

The meeting was suspended at 6.35 p.m. and resumed at 3.15 a.m. on 15 September

Mr. HYLTENIUS (Sweden), introducing the report of the Drafting Committee (NPT/CONF.IV/DC/1), said that the Committee had considered at length the reports of the Main Committees and the proposals contained in documents NPT/CONF.IV/DC/1/Adds.1, 2, 3(A) and Corr.1, 3(B), 3(C) and 3(D). Notwithstanding extensive consultations and considerable effort, the Committee had not been able to reach a consensus on a draft final declaration for consideration by the Conference.

The PRESIDENT said that he had been asked by various delegations to suspend the session for 10 minutes, before opening the floor for discussion, so that they might consult among themselves in the search for consensus.

The meeting was suspended at 3.20 a.m. and resumed at 3.30 a.m.

The PRESIDENT, noting that a consensus had still not been reached, said that he wished to make a solemn and personal appeal to the Conference to attempt to reach a compromise.

The Conference was taking place in a new international socio-political context, in which a trend towards compromise and tolerance was prevailing. Recent years had seen a de-ideologization of international relations and the emergence of new perceptions. If those new perceptions were not made to converge, all future bilateral and multilateral disarmament conferences would be invested with a feeling of bitterness that did not correspond to the international situation. All the work in the three Main Committees would be lost if one final effort were not made to resolve the disagreements over the eighth to twelfth preambular paragraphs, article VI and article X.

He would therefore make one last effort by providing very brief texts of his own that attempted to indicate the extent of the differences of opinion. In such a way States parties would not be deprived, by political discord, of the practical value of a review that showed the Treaty to be healthy and functioning well in many respects.

The President's suggested texts were as follows:

"Article VI and preambular paragraphs 8 to 12

"The Conference deeply regrets that it was unable to arrive at an agreed text in its review of article VI and preambular paragraphs 8 to 12.

"Considerable efforts were made, in the course of intensive negotiations, to find agreed positions, assessments and recommendations. In the event, however, consensus was not possible other than to note the President's characterization of the differences, as described below in abbreviated form.

"A view held strongly by a number of States parties included the following elements: despite the obligations imposed in the Treaty, no agreements relating to cessation of the nuclear arms race had so far emerged; no progress had been made on relevant items of the agenda of the Conference on Disarmament; despite the ending of the cold war the destructive potentials of the nuclear arsenals of the nuclear-weapon States parties were undergoing continuing development, including the development and deployment of new delivery systems; the number of strategic warheads in the arsenals of the nuclear-weapon States parties have increased threefold since the entry into force of the Treaty; the aim of the START talks, if realized, would leave more strategic nuclear warheads in the arsenals of the USSR and the United States than when the negotiations were made in 1982; the continued testing of nuclear weapons

by the nuclear-weapon States parties would put the future of the Treaty beyond 1995 in grave doubt. According to this view, the undertakings, objectives and aspirations of article VI and preambular paragraphs 8 to 12 of the Treaty remained unfulfilled.

"A differing view held equally strongly by a number of other States parties included the following elements: there had been significant and positive developments in the international sphere since the 1985 Review Conference, particularly a substantial improvement in relations between the United States and the USSR and a greatly decreased level of tensions in Europe; the entry into force of the INF Treaty on 1 June 1988 had been a major advance in eliminating an entire class of nuclear arms and introducing verification provisions of innovative character and scope; decisive progress in bilateral negotiations on the treaty on the reduction and limitation of strategic offensive arms which would be a major landmark in arms control; significant bilateral achievements in reducing chemical arms; the prospect for a far-reaching agreement on conventional forces reduction in Europe within a short time. According to this view, the period since 1985 had witnessed important progress towards achieving the undertakings, objectives and aspirations of article VI and preambular paragraphs 8 to 12 of the Treaty.

"All States parties continued to express their strong support for the continued viability of the Treaty in the future.

"Article X

"The Conference regrets that it was unable to arrive at agreed language regarding the provisions of article X of the Treaty other than to note paragraph 2 of that article which states that:

> "'Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.'"

The PRESIDENT said that he intended to suspend the session for 30 minutes so that his proposals could be considered. On resumption, should his proposed texts not find acceptance, he would withdraw them and proceed to the closing of the Conference.

The meeting was suspended at 3.45 a.m. and resumed at 4.30 a.m.

Mr. MARIN BOSCH (Mexico) said that his delegation found itself in an uncomfortable position as it would have preferred to be able to accept the proposed compromise. After intensive negotiations in the Non-Aligned Group, a consensus had been within reach, but had not been possible because of other delegations' positions. Now the President was asking the participants to accept a new text that was very different in both form and content from the one that they had been negotiating. While the President's efforts were appreciated, accepting the text would leave many questions unresolved, including the conclusions relating to article VI. His delegation had made major concessions during the negotiations, as reflected in the texts that had emerged from Main Committees II and III, and it had hoped that others would do so with regard to article VI. Since that had unfortunately not been the case, his delegation must oppose the compromise solution, and he was certain that other delegations shared that view.

The PRESIDENT, recognizing that his proposed texts had not found consensus acceptance, said that no final declaration would emerge from the Conference. He noted that the draft final declaration contained much of benefit to many delegations. He hoped, although he doubted, that the lack of a final declaration would not adversely affect future negotiations on disarmament in the United Nations.

That having been said, if he heard no objection, he would take it that the Conference wished to adopt the report of the Drafting Committee.

It was so decided.

Mr. REESE (Australia) said that, although all the purposes of the non-proliferation Treaty might not have been fulfilled, it was clear that the world would be a far more insecure place without it. Although much remained to be achieved with respect to nuclear disarmament and a comprehensive test ban, those elements should be seen in the context of the full and thorough review of the Treaty that had taken place, in accordance with its terms. As the Australian Foreign Minister had emphasized in his plenary statement, the Treaty was a vital element of the international non-proliferation régime. The dedication of all delegations to the task of the Conference confirmed the instrument's vitality.

Discussion at the Conference had been creative and for the most part constructive in accordance with the new spirit prevailing in the international community. Among the more important achievements of the past four weeks had been: new agreed wording on negative security assurances and security

guarantees; agreement on the need to bring about the discontinuance of nuclear explosions; agreement on an enhanced role for the Conference on Disarmament on nuclear testing; common understanding on future priorities for peaceful nuclear co-operation; concrete proposals for strengthening the barriers against the further spread of nuclear weapons; and perhaps most significantly, consensus on the need for nuclear suppliers to contribute to the goal of non-proliferation by requiring a legally binding commitment to non-proliferation and the application of full-scope safeguards. The overwhelming majority of suppliers had already taken unilateral action to that effect, and he hoped that those which had not done so would take early action in response to the views prevailing at the Conference.

The ideas, proposals and agreements in the reports of Main Committees II and III concerning enhanced security and the peaceful uses of nuclear energy must be retained and utilized. It was vital that everyone should work together in IAEA and other relevant bodies to implement those proposals and thereby strengthen the central role of the Treaty in international security and nuclear trade and co-operation over the next five years.

Referring to the remarks made by the representative of Mexico, he said it was astonishing that negotiations on paragraphs 5 and 7 of the section on article VI had foundered essentially on a simple request to note the joint statement of the United States and the Soviet Union on their bilateral negotiations on testing. His delegation deeply regretted the loss of consensus on a final declaration over that issue.

In conclusion, he said his delegation would make every effort to ensure that the many positive results of the Conference served as a guide in the period until the next milestone for the Treaty, the 1995 review and extension conference.

Mr. DONOWAKI (Japan) said that the Conference had been fruitful and had confirmed the commitment of the States parties to upholding the non-proliferation régime. In place of disappointment at the lack of a final declaration, the prospect of the 1995 Conference should stimulate continued efforts. Japan firmly believed in the viability of the non-proliferation Treaty as a system that made it possible to combine non-proliferation and the peaceful uses of nuclear energy.

Mr. MARIN BOSCH (Mexico) expressed his delegation's appreciation for the constructive way in which the various committees of the Conference had worked. Mexico had attempted to contribute to the elaboration of a final declaration that would strengthen the Treaty and assure its extension past 1995, and sincerely regretted that it had not been possible to arrive at a text that aimed in that direction. Article VIII, paragraph 3 did not stipulate that every five-year exercise must adopt a final declaration. What was important was that the parties should have the opportunity to exchange views on the Treaty's functioning, and that had been accomplished. The Conference had identified areas of satisfaction and areas in which there was a growing lack of agreement, such as the comprehensive test ban, nuclear disarmament and security guarantees for non-nuclear States parties. Another subject of particular importance had been the extension conference to take place in 1995.

As had been repeated throughout the Conference, there was a close link between the limited duration of the non-proliferation Treaty and the provisions of the eighth to twelfth preambular paragraphs and article VI of the Treaty. That link remained, with or without a final declaration, and would be of decisive importance in 1995.

Mr. WAGENMAKERS (Netherlands) endorsed the statements made by the representatives of Australia and Japan. The Conference had reconfirmed the commitment of the vast majority of States parties to the Treaty and revealed a broad consensus on how to implement and strengthen it. The few issues on which consensus had not been reached related to one part of article VI only, and did not jeopardize the large majority of topics on which agreement existed.

On the positive side of the balance were agreements on the application of full-scope safeguards, the innovative idea of special inspections and the notable agreement on how to approach the problem area of a tax on nuclear facilities. On the less positive side, for the first time the possibility had arisen of the undermining of the Treaty from within. Much attention had been paid to that problem in the review of both article II and the safeguards régime. He regretted that the Mexican delegation had not shown much interest in that threatening phenomenon, being absorbed as it had been by one issue.

Mr. ADEYEMI (Nigeria) expressed his delegation's deep regret at the lack of a final declaration. Consensus had appeared to be within reach during the exercise that had taken place in the Swedish mission, and in his view some differences could have been resolved if flexibility had been displayed. He hoped that setback would not undermine faith in the Treaty, which remained a corner-stone of international peace and security.

Mr. TIMERBAEV (Union of Soviet Socialist Republics) speaking on behalf of the countries of the Eastern European Group, expressed sincere gratitude to the President and the Chairmen of the Main Committees. In the view of his delegation, an important and useful Conference had taken place in a new political context. It had confirmed the great vitality of the Treaty and the attachment of the States parties to it. The lack of a final declaration in no way undermined that conclusion. On a majority of issues wording had been prepared that went further than the Final Declaration of the Third Review Conference, and that material would play a useful role in future efforts to enhance the effectiveness of the non-proliferation régime. Only one matter remained unresolved - that of the comprehensive test ban, on which his delegation's position was well known.

The results of the Conference would serve as a guide for strengthening the effectiveness of the Treaty, and it was everyone's duty to work towards its universality, in order to arrive at the next review conference with a shared view of the need for a long-term extension of the Treaty beyond 1995.

Mr. GORDON (United States of America) said that his delegation believed the basic task of the Conference had been fully met. A comprehensive and thorough review had been conducted of all aspects of the Treaty, and the significance and interconnection of the aspects of non-proliferation, arms control and the peaceful uses of nuclear energy had been highlighted throughout the debates.

In contrast to past review conferences, the session had taken place at a time when enormous political, social and economic changes signalled the possibility of a world less burdened by confrontation, hostility and fear. However, the debates had also coincided with a situation in which unprecedented action by the United Nations Security Council had been necessary to address a major regional conflict threatening the interests of all nations. In that hopeful yet still dangerous atmosphere, virtually all participating Governments had pointed to the Treaty as a vital element in preserving global stability and peace.

Another and very important result of the Conference was the commitment by a clear majority of participating States to the importance of extending the life of the Treaty for a considerable period of time. Looking forward to 1995, the views expressed at the Conference provided a very strong basis for maintaining and enhancing the role of the Treaty in the future. It was regrettable that those and other important results had not been embodied in a consensus final declaration. His delegation had worked very hard to find consensus and common ground and, during the process of discussion and debate, a wide measure of agreement had been achieved on many fundamental interests arising from the provisions of the Treaty. Much of the Conference could therefore be termed a success.

In conclusion, he stressed the continuing importance of the Treaty for world peace and security. All must strive to make it universal and defend it against critics, who might fail to appreciate its role in maintaining a world where the role of nuclear weapons was diminished rather than increased.

Miss SOLESBY (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the Western Group, associated herself with those who had expressed gratitude to the President for his efforts to save the final declaration, in which he had so nearly succeeded. It was a great pity that consensus had not been reached, especially - as the representative of Australia had said - in view of the rather surprising point on which discussion in the Drafting Committee had broken down. However, a great deal of common ground had been identified and common text agreed, and that included agreement on some article VI issues. On balance it must be said that the Conference had confirmed the deep commitment of all to the Treaty and strengthened its effectiveness.

Mr. FLYNN (Ireland) said that the lack of agreement on a certain part of the text of the draft final declaration, although regrettable, did not diminish the achievements of a very thorough review, reflecting the continuing vitality of the Treaty and the attachment of all the States parties to it. His delegation looked to the future with a feeling of confidence and renewed commitment to the Treaty.

Ms. MASON (Canada) expressed her delegation's deep disappointment at the inability to reach consensus on a final declaration. None the less, during the weeks of detailed review consensus had been reached on virtually all issues, which would no doubt strengthen the Treaty. Canada would spare no

effort to ensure that that progress was built upon in the next five years leading to the crucial extension conference, for it firmly believed that the goal should and must be the indefinite extension of the Treaty.

Mr. KOSIN (Yugoslavia) regretted that despite very hard work it had been impossible to reach agreement on a final declaration, in particular concerning a comprehensive test ban. More important, it was regrettable that in a new era of disarmament the commitments under legally binding multilateral instruments entered into over 25 years before were still pending. However, as other delegations had pointed out, important work had been accomplished and commitments reconfirmed at the Conference, and it could therefore be considered a success.

Mr. SOLTANIEH (Islamic Republic of Iran) said that his delegation deeply regretted that, despite constructive co-operation on the part of the non-aligned States parties to the Treaty, consensus had not been reached on a final declaration. His delegation had tried its best to narrow the gaps among the participants. Unfortunately, at the last minute a single nuclear-weapon State present had been unwilling to accept a proposal by the Chairman of the Drafting Committee, although it had been accepted by the non-aligned countries and others participating in the consultations and consensus had been blocked.

While maintaining its commitment to the non-proliferation Treaty and IAEA full-scope safeguards, his country wished to record its dissatisfaction with the non-compliance of the nuclear-weapon States with the Treaty, in particular article VI. Meanwhile, the non-nuclear-weapon States, in particular the developing and non-aligned countries, though fully committed to the Treaty, had not benefited from the peaceful uses of nuclear energy and had not received preferential treatment with respect to non-parties. There was a need for serious consideration of those negative developments over the past two decades, in order that the extension of the Treaty should not be jeopardized.

Mr. HOULLEZ (Belgium) expressed regret that no final declaration had emerged from the Conference, despite the spirit of compromise that had prevailed in the discussions. It was in that spirit of compromise that his delegation had responded to the appeal by the Conference to supplier States to require the application of full-scope safeguards. In the absence of a final declaration, Belgian policy in future would depend on the attitude of the other supplier States.

It was sometimes forgotten that politics was the art of the possible, and that by focusing on a single aspect of the discussions, one delegation had assumed responsibility for what might be considered a failure. However, the work accomplished by the Conference showed that confidence in the Treaty and its effectiveness remained intact.

CLOSURE OF THE CONFERENCE

The PRESIDENT said that the lack of consensus on a final declaration should be seen as an incident rather than a disaster. After thanking all the delegations for their excellent work, he declared the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons closed.

The meeting rose at 5.30 a.m.